

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EMPYREAN INVESTMENT FUND, LP,
EMPYREAN GENERAL PARTNER, LLC,
ASH MASTER FUND II, LLC, ASH
MASTER FUND, LP, ASH FUND, LP,
f/k/a ASH CAPITAL MANAGEMENT,
ASH GENERAL PARTNER, LLC, ASH
OFFSHORE FUND, LTD, ASH GENERAL
PARTNER OFFSHORE, LTD, et al.

Appellants

v.

Docket No. 08-cv-06938

ALAN NISSELSON and OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS,

Appellees.

NOTICE OF APPEARANCE

Kindly enter the appearance of Gary G. Pelletier as attorney of record on behalf of the appellants, Empyrean Investment Fund, LP, et al, in the above-captioned matter.

Dated: August 14, 2008
Boston, MA

Respectfully submitted,
EMPYREAN INVESTMENT FUND, LP et al
By and through their attorneys,

/s/ Gary G. Pelletier

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Certificate of Service

I, Daniel C. Reilly, hereby certify that on this the 14th day of August 2008, I caused a true copy of the foregoing *Notice of Appearance*, to be served electronically upon all parties registered with ECF for this matter.

/s/ Daniel C. Reilly

Daniel C. Reilly